

الْبَابُ السَّابِعُ

الْبِرُّ وَحُسْنُ التَّعَامُلِ مَعَهُمْ

CHAPTER SEVEN

TREATING NON-MUSLIMS WITH
PIETY AND EXCELLENCE

QUR'ĀN

١. ﴿ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجِدِلْهُمْ
بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَن ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ
بِالْمُهْتَدِينَ﴾

1. ﴿(O Glorious Messenger!) Invite towards the path of your Lord with wisdom and refined exhortation and (also) argue with them in a most decent manner. Surely, your Lord knows well the one who strayed away from His path, and He also knows well the rightly guided.﴾¹

٢. ﴿وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا مِنْهُمْ وَقُولُوا ءَامَنَّا بِالَّذِي أُنزِلَ إِلَيْنَا وَأُنزِلَ إِلَيْكُمْ وَالْهَتَا وَالْهَكُم وَاحِدٌ وَنَحْنُ لَهُ مُسْلِمُونَ﴾

2. ﴿And, (O believers,) do not argue with the People of the Book but in a suitable and decent way, except those of them who did injustice. And say (to them): "We believe in that (Book) which has been revealed to us and which was sent down to you, and our God and your God is but One and we obey Him alone."﴾²

HADITH

١/٦٩. عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَدِمْتُ عَلَى أُمِّي وَهِيَ مُشْرِكَةٌ فِي عَهْدِ

¹ Qur'ān 16:125.

² Ibid., 29:46.

رَسُولُ اللَّهِ ﷺ، فَاسْتَفْتَيْتُ رَسُولَ اللَّهِ ﷺ قُلْتُ: وَهِيَ رَاغِبَةٌ أَفَأَصِلُ أُمِّي؟ قَالَ: نَعَمْ،
صِلِي أُمَّكَ.

مُتَّفَقٌ عَلَيْهِ.

69/1. Asmā', daughter of Abū Bakr ؓ, narrated:

"My mother came to me during the period of Allah's Messenger ﷺ when she was still a polytheist. I asked about the ruling from Allah's Messenger ﷺ: 'She desires (a gift from me); shall I keep kinship with her?' He said: 'Yes, keep good relations with your (polytheist) mother.'"¹

Agreed upon by al-Bukhārī and Muslim.

٢/٧٠. عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ ؓ قَالَ: مَرَّتْ بِنَا جَنَازَةٌ فَقَامَ لَهَا النَّبِيُّ ﷺ وَقُمْنَا لَهُ،
فَقُلْنَا: يَا رَسُولَ اللَّهِ، إِنَّهَا جَنَازَةٌ يَهُودِيٍّ! قَالَ: إِذَا رَأَيْتُمُ الْجَنَازَةَ فَقُومُوا.
مُتَّفَقٌ عَلَيْهِ.

70/2. Jābir b. 'Abd Allah ؓ related:

"A funeral procession passed in front of us and the Prophet ﷺ stood up and we too stood up." We said, 'O Messenger of Allah ﷺ, this is the funeral procession of a Jew!' He said: 'If you catch sight of the bier (the funeral procession), you must stand up.'"²

¹ Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-hiba wa faḍlu-hā* [The Book of Gifts and their Excellence], chapter: "Gifts to idolaters," 2:924 §2477 and in *Kitāb al-Jizya* [The Book of Annual Security Tax for non-Muslims], chapter: The sin committed by someone who promises and then betrays, 3:1162 §3012. •Muslim in *al-Ṣaḥīḥ: Kitāb al-Zakāt* [The book of the Alms-due], chapter: "The excellence of spending on and giving alms to relatives, to spouse, to children, and parents even if they are polytheists," 2:696 §1003. •Aḥmad b. anbal in *al-Musnad*, 6:347 §26985. •Abū Dāwūd in *al-Sunan: Kitāb al-Zakāt* [The book of the Alms-due], chapter: "Bestowing charity upon the non-Muslim citizens of a Muslim country," 2:127 §1668. •al-Ṭabarānī in *al-Mu'jam al-kabīr*, 24:78 §203. •Abd al-Razzāq in *al-Muṣannaf*, 6:38 §9932.

² Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral

Agreed upon by al-Bukhārī and Muslim.

٣/٧١. وَفِي رِوَايَةٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى رضي الله عنه قَالَ: كَانَ سَهْلُ بْنُ حُنَيْفٍ وَقَيْسُ بْنُ سَعْدٍ رضي الله عنه قَاعِدَيْنِ بِالْقَادِسِيَّةِ. فَمَرُّوا عَلَيْهِمَا بِجِنَازَةٍ، فَقَامَا. فَقِيلَ لَهُمَا: إِنَّهَا مِنْ أَهْلِ الْأَرْضِ أَيْ مِنْ أَهْلِ الذِّمَّةِ. فَقَالَا: إِنَّ النَّبِيَّ صلى الله عليه وسلم مَرَّتْ بِهِ جِنَازَةٌ، فَقَامَ، فَقِيلَ لَهُ: إِنَّهَا جِنَازَةٌ يَهُودِيٍّ. فَقَالَ: أَلَيْسَتْ نَفْسًا؟
مُتَّفَقٌ عَلَيْهِ.

71/3. 'Abd al-Raḥmān b. Abī Layla رضي الله عنه related:

"Sahl b. unayf and Qays b. Sa'd رضي الله عنه were sitting in the city of al-Qādisiyya. A funeral procession passed in front of them and they both stood up. They were told that the funeral procession was of one of the inhabitants of the land (i.e., of a non-believer). They both said: '(Once) a funeral procession passed in front of the Prophet صلى الله عليه وسلم and he stood up. When he was told that it was the funeral of a Jew, he said: 'Is it not a soul?'"¹

Agreed upon by al-Bukhārī and Muslim.

Ceremonies], chapter: "Someone standing up for a Jewish funeral procession," 1:441 §1249. •Muslim in *al-Ṣaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for a funeral procession," 2:660 §960. •Aḥmad b. anbal in *al-Musnad*, 3:319 §14467. •al-Nasā'ī in *al-Sunan: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for the funeral procession of the people who associate partners with Allah," 4:45 §1922 and in *al-Sunan al-kubrā*, 1:626 §2049.

¹ Set forth by •al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for a Jewish funeral procession," 1:441 §1250. •Muslim in *al-Ṣaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone getting to his feet for a funeral procession," 2:661 §961. •Aḥmad b. Ḥanbal in *al-Musnad*, 6:6 §23893. •al-Nasā'ī in *al-Sunan: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for the funeral procession of the people who associate partners with Allah," 4:45 §1921 and in *al-Sunan al-Kubrā*, 1:626 §2048. •Ibn Abī Shayba in *al-Muṣannaf*, 3:39 §11918. •Ibn al-Ja'd in *al-Musnad*, p. 27 §70. •al-Ṭabarānī in *al-Mu'jam al-Kabīr*, 6:90 §5606. •al-Bayhaqī in *al-Sunan al-Kubrā*, 4:27 §6672.

٧٢/٤. عَنْ هِشَامِ بْنِ حَكِيمٍ بْنِ حِزَامٍ قَالَ: مَرَّ بِالشَّامِ عَلَى أَنَاسٍ وَقَدْ أُفِيمُوا فِي الشَّمْسِ وَصُبَّ عَلَى رُؤُسِهِمُ الزَّيْتُ. فَقَالَ: مَا هَذَا؟ قِيلَ: يُعَذَّبُونَ فِي الْخَرَاجِ. فَقَالَ: أَمَا إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذَّبُونَ فِي الدُّنْيَا. رَوَاهُ مُسْلِمٌ وَأَحْمَدُ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ.

72/4. Hishām b. akīm b. izām reported:

“Once he passed by some people in Syria who were made to stand in the sun, and olive oil was poured on their heads. He asked: ‘Why are they getting punished?’ He was told that they were being punished for not paying the land tax. akīm b. Hizām said that he heard Allah’s Messenger ﷺ say: ‘Indeed, Allah shall torment those who torment others in the life of this world.’”¹

Reported by Muslim and Ahmad, Abū Dāwūd and al-Nasā’ī.

٧٣/٥. وَفِي رِوَايَةٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ هِشَامَ بْنَ حَكِيمٍ وَجَدَ رَجُلًا وَهُوَ عَلَى حِمَصٍ يُشَمْسُ نَاسًا مِنَ النَّبْطِ فِي أَدَاءِ الْجُزْيَةِ فَقَالَ: مَا هَذَا؟ إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذَّبُونَ النَّاسَ فِي الدُّنْيَا. رَوَاهُ مُسْلِمٌ وَأَحْمَدُ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ.

73/5. ‘Urwa b. al-Zubayr reported:

“Hishām b. akīm found that the ruler of Homs made some Nabateans (a nation in Iraq) stand in the sun, for not paying their annual security tax (*jizya*). He said: ‘What is this? I heard Allah’s

¹ Set forth by •Muslim in *al-Shaḥīḥ: Kitāb al-birr wa al-ṣila wa al-ādāb* [The Book of Piety, Filial Duty and Good Manners], chapter: “The Severe Divine Threat to the One Who Punishes People Unjustly,” 4:2018 § 2613. •Ahmad b. Ḥanbal in *al-Musnad*, 3:403, 404, 468. •Abū Dāwūd in *al-Sunan: Kitāb al-kharāj* [The Book of Land Taxation], chapter: “On Being Harsh,” 3:106 §3045. •al-Nasā’ī in *al-Sunan al-kubrā*, 5:236 §8771.

Messenger ﷺ say: "Allah Most High will torment those who torture people in this world."¹

Reported by Muslim and Aḥmad, Abū Dāwūd and al-Nasā'ī.

٦/٧٤. عَنْ أَبِي قَتَادَةَ قَالَ: قَدِمَ وَفْدُ النَّجَاشِيِّ عَلَى النَّبِيِّ ﷺ فَقَامَ يَخْدُمُهُمْ. فَقَالَ أَصْحَابُهُ: نَحْنُ نَكْفِيكَ، يَا رَسُولَ اللَّهِ. قَالَ: إِنَّهُمْ كَانُوا لِأَصْحَابِ مُكْرِمِينَ، فَإِنِّي أُحِبُّ أَنْ أَكْفِيَهُمْ.

رَوَاهُ الْبَيْهَقِيُّ وَالصَّيْدَاوِيُّ وَذَكَرَهُ ابْنُ كَثِيرٍ وَالْحَلَبِيُّ.

74/6. Abū Qatāda related:

"A delegation of King Negus of Abyssinia [*abasha*] came to the Prophet ﷺ and he served them (very well). His Companions said: 'O Messenger of Allah! We are here to serve them.' Allah's Messenger ﷺ replied: 'These people paid respect to my Companions; therefore, I like that I myself pay back their generosity.'²

Reported by al-Bayhaqī, al-Ṣaydāwī and cited by Ibn Kathīr and al- alabī.

٧/٧٥. عَنْ جُبَيْرِ بْنِ نُفَيْرٍ ﷺ أَنَّ عُمَرَ بْنَ الْخَطَّابِ ﷺ أَتَى بِمَالٍ كَثِيرٍ، قَالَ أَبُو عُبَيْدٍ: أَحْسِبُ قَالَ: مِنَ الْجَزِيَّةِ، فَقَالَ: إِنِّي لَا أَظُنُّكُمْ قَدْ أَهْلَكْتُمُ النَّاسَ. قَالُوا: لَا، وَاللَّهِ، مَا أَخَذْنَا إِلَّا عَفْوًا صَفْوًا. قَالَ: بَلَا سَوَاطٍ وَلَا نَوَاطٍ؟ قَالُوا: نَعَمْ. قَالَ: أَلْحَمْدُ

¹ Narrated by •Muslim in *al-Ṣaḥīḥ: Kitāb al-birr wa al-ṣila wa al-ādāb* [The Book of Piety, Filial Duty and Good Manners], chapter: "The Severe Divine Threat for Someone Who Punishes People Unjustly," 4:2018 §2613. •Aḥmad b. Ḥanbal in *al-Musnad*, 3:404 §5612. •Abū Dāwūd in *al-Sunan: al-Kharāj wa al-Imāra wa al-Fay'* [The Book of the Land Tax, Imperial Authority and the Bestowal of Booty], chapter: "Recovering the Capitation Tax Forcibly," 3:169 §3045. •al-Nasā'ī in *al-Sunan al-Kubrā*, 5:236 §8771.

² Set forth by •al-Bayhaqī in *Shu'ab al-īmān*, 6:518 §9125 and in *Dalā'il al-Nubuwwa*, 2:307. •al-Ṣaydāwī in *Mu'jam al-shūyūkh*, 1:97. •al- alabī in *al-Sīra al- alabiyya*, 2:758. •Ibn Kathīr in *al-Sīra*, 2:31.

لِلَّهِ الَّذِي لَمْ يَجْعَلْ ذَلِكَ عَلَى يَدَيَّ وَلَا فِي سُلْطَانِي.
رَوَاهُ أَبُو عُبَيْدٍ وَذَكَرَهُ ابْنُ قُدَامَةَ فِي الْمُغْنِي.

75/7. According to Jubayr b. Nufayr رحمته الله:

“A large amount of wealth was brought to ‘Umar b. al-Khaṭṭāb رحمته الله. Abū ‘Ubayd said: ‘I believe it was the money collected from tax.’ ‘Umar said: ‘For certain, you have destroyed the people!’ They [the tax collectors] said: ‘No, by Allah! We have only taken with tenderness and ease what was surplus to their needs.’ ‘Umar inquired, ‘Was it acquired without recourse to a whip or coercion?’ They replied: ‘Yes.’ He said: ‘All praise is due to Allah, Who did not put that (oppression and injustice) on my hands or during my rule.’”¹

Reported by Abū ‘Ubayd al-Qāsim b. Sallām and cited by Ibn Qudāma in *al-Mughnī*.

TRADITIONS OF PIOUS SCHOLARS OF EARLY TIMES

• وَفِي الدَّرِّ الْمُخْتَارِ: وَيَجِبُ كَفُّ الْأَذَى عَنْهُ وَتَحْرُمُ غَيْبَتُهُ كَالْمُسْلِمِ.

In *al-Durr al-mukhtār* it is stated: “It is mandatory to keep him [the non-Muslim citizen] from agony and torture. Backbiting him is forbidden, just as it is forbidden to backbite a Muslim.”²

• وَقَالَ الْإِمَامُ شَهَابُ الدِّينِ الْقُرَائِيُّ الْقَائِمُ فِي كِتَابِهِ ‘الْفُرُوقِ’ عَنْ حُقُوقِ غَيْرِ الْمُسْلِمِينَ:

إِنَّ عَقْدَ الذِّمَّةِ يُوجِبُ لَهُمْ حُقُوقًا عَلَيْنَا، لِأَنَّهُمْ فِي جَوَارِنَا وَفِي خِفَارَتِنَا (حِمَايَتِنَا) وَذِمَّتِنَا وَذِمَّةَ اللَّهِ تَعَالَى، وَذِمَّةَ رَسُولِ اللَّهِ ﷺ، وَذِمَّةَ الْإِسْلَامِ.

¹ Cited by •Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 54 §114.
•Ibn Qudāma in *al-Mughnī*, 9:290.

² •Al-Ḥaṣḥāfī, *al-Durr al-mukhtār*, 2:223. •Ibn ‘Ābidīn al-Shāmī, *Radd al-muḥtār*, 3:273-274.

فَمَنْ اعْتَدَى عَلَيْهِمْ وَلَوْ بِكَلِمَةٍ سَوْءٍ أَوْ غِيْبَةٍ، فَقَدْ ضَيَعَ ذِمَّةَ اللَّهِ، وَذِمَّةَ رَسُولِهِ ﷺ وَذِمَّةَ دِينِ الْإِسْلَامِ.

Imam Shihāb al-Dīn al-Qurāfī, the famous Mālikī jurist, wrote in his book *al-Furūq* about the rights of non-Muslim citizens: "The *dhimma* contract for non-Muslims establishes certain rights that they have upon us because they live in proximity to us and are under our protection and care and the care of Allah and His Messenger ﷺ and the religion of Islam. So whoever transgresses against them—even by an evil word or through backbiting—has lost the guarantee of Allah, His Messenger ﷺ and the religion of Islam [i.e., did not fulfil the rights and duties owed to them, and has acted sinfully]."¹

• قَالَ ابْنُ عَابِدِينَ الشَّامِيُّ فِي حُقُوقِ غَيْرِ الْمُسْلِمِينَ: لِأَنَّهُ يَعْقِدُ الذِّمَّةَ وَجَبَ لَهُ مَا لَنَا، فَإِذَا حَرَمَتْ غِيْبَةُ الْمُسْلِمِ حَرَمَتْ غِيْبَتَهُ، بَلْ قَالُوا: إِنَّ ظُلْمَ الذِّمِّيِّ أَشَدُّ.

Ibn 'Ābidīn al-Shāmī writes about the rights of non-Muslim citizens: "For due to the contract of *dhimma* he [a non-Muslim] enjoys the same rights as we do. Backbiting a non-Muslim is forbidden the same way as it is for Muslims. Nay, they [the jurists] have said that oppression meted out to a non-Muslim citizen is even severer [in sin]."²

• قَدْ حَقَّقَ الْإِمَامُ الْكَاسَانِيُّ فِي كِتَابِهِ 'بَدَائِعُ الصَّنَائِعِ' الْمُسَاوَاةَ فِي الْحُقُوقِ بَيْنَ الْمُسْلِمِينَ وَغَيْرِ الْمُسْلِمِينَ: لَهُمْ مَا لَنَا وَعَلَيْهِمْ مَا عَلَيْنَا.

Al-Kāsānī, in his book *Badā'ī' al-ṣanā'ī'*, has regarded

¹ • Al-Qurāfī, *al-Furūq*, 3:14.

² • Ibn 'Ābidīn al-Shāmī, *Radd al-muḥtār*, 3:273–274.

the rights of Muslims and non-Muslims as equal: "Non-Muslim citizens enjoy the same rights that are enjoyed by us (Muslims), and they have the same responsibilities as we do."¹

¹ •Al-Kāsānī, *Badā'i' al-ṣanā'i'*, 7:III.